

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-19
AGENDA DATE: Thu 09/29/2005
PAGE: 1 of 1**

SUBJECT: NPA-05-0014.01 - Freidrich Lane - Conduct a public hearing and approve an ordinance to amend the Southeast Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from commercial mixed-use land use designation to industrial land use designation for 5200 Freidrich Lane. Planning Commission Recommendation: To grant industrial land use designation. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Kathleen Welder, 974-2856.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Southeast Combined
Neighborhood Planning Area (Franklin Park)

CASE#: NPA-05-0014.01

ADDRESS: 5200 Freidrich Lane

AREA: 7.2 acres

APPLICANT/OWNER: Rice Park, Inc. (John H. Biggar)

AGENT: Jim Bennett Consulting (Jim Bennett)

TYPE OF AMENDMENT

Change in Future Land Use Designation

FROM: Mixed-Use

TO: Industrial

PLANNING COMMISSION ACTION

August 9, 2005 - Planning Commission postponed case to August 23, 2005 (Staff Request);

August 23, 2005 - Planning Commission recommended a change from mixed-use to industrial (9-0; DS-1st, CG -2nd).

STAFF RECOMMENDATION:

Staff recommends denial of the proposed Industrial land use designation.

BASIS FOR RECOMMENDATION

1. The proposed plan amendment is inconsistent with the adopted Future Land Use Map for the Southeast Combined Neighborhood Planning Area.
2. Conditions have not changed significantly since adoption of the neighborhood plan in October 2002 to warrant a plan amendment at this location.
3. Industrial development is inappropriate at this location given the surrounding land uses which include Ponciana Park to the east, an established mobile home park to the west, and a vacant property designated for office to the north. Also, an established single-family neighborhood is located east of the site.
4. The section of Friedrich Lane adjacent to the subject tract is a substandard two-lane road that dead-ends at the Paisano Mobile Home Park. Locating an industrial use on a road that serves a residential development is generally seen as inappropriate as it creates a potential safety hazard by mixing industrial and residential traffic on a narrow road such as Freidrich Lane.
5. The proposed land use change on the undeveloped property is inconsistent with the expressed land use goals and action items [recommendations] of the neighborhood plan. Goal One states, "provide a balance of mixed-income housing options that will contribute to the neighborhood's vitality and stability and encourage development of land uses that promote the interaction between residential and non-residential uses." Goal One, Action Item Three states, "support the rezoning of undeveloped land in residential areas to make future development compatible with the prevailing residential land use scheme."

NEIGHBORHOOD AND NEIGHBORHOOD PLANNING TEAM RECOMMENDATION

The majority of the Planning Team members support the plan amendment, and closely considered the recommendation of the adjacent neighbors before making their recommendation. A letter of support is included in this backup. One team member opposes the land use change on the basis that no new development should occur prior to the extension of Pleasant Valley Road south from Ben White Boulevard. The residents of the adjacent Paisano Mobile Home Park and representatives of nearby neighborhood associations support the plan amendment, with conditions. The agreed-upon conditions between the property owner and the residents are addressed in the zoning request in a proposed conditional overlay.

BACKGROUND INFORMATION:

The Southeast Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on October 10, 2002. The planning area is bounded on the north by Ben White Boulevard; on the south by Burleson Road, Smith School Road, the Texas Parks & Wildlife boundary, and Williamson Creek; on the east by U.S. Highway 183; and, on the west by I.H.-35.

The property located at 5200 Freidrich Lane was approved with mixed-use land use designation on the Future Land Use Map during the Southeast Combined Neighborhood Plan. The property owner would like to construct a business park for multiple business owners, with certain industrial uses allowed. A plan amendment to change the future land use to from mixed-use to industrial is required.

The property at 5200 Freidrich Lane is currently undeveloped and is located between a mobile home park on the south and a vacant property with office future land use designation on the north, and a park and a single family neighborhood is located across the street, east of the property. The rear property line is adjacent to a vacant commercial site (fomer Wal Mart) on the west.

The property fronts on Freidrich Lane, a substandard, two-lane road that dead-ends into the mobile home park. Access to the property will be taken from Freidrich Lane.

The first neighborhood plan amendment meeting was held on July 27, 2005 to input from the neighborhood and Neighborhood Contact Team. A second meeting was held on August 17, 2005 because the property owner was not able to attend the previous meeting due to a miscommunication. The majority of the Neighborhood Contact Team members and the meeting participants from the adjacent mobile home park and the neighborhood supported the land use change to industrial, with conditions. After the meeting, they drafted a conditional overlay and restrictive covenant with the property owner.

SEE ATTACHMENTS

NEIGHBORHOOD ORGANIZATIONS:

Southeast Corner Alliance of Neighborhood Associations
Dove Springs Neighborhood Association
Onion Creek Homeowners Association
Franklin Park Neighborhood Association
Peppertree Parkway Neighborhood Association

Kensington Park Homeowners Association
Austin Neighborhoods Council
Terrell Lane Interceptor Association
Barton Springs/ Edwards Aquifer Conservation District
Southeast Austin Trails and Greenbelt Alliance

CASE HISTORIES (Zoning and/or Neighborhood Plan Amendments):

NUMBER	REQUEST	CITY COUNCIL
NP-02-0014	Southeast Combined Neighborhood Plan	Approved 10-10-02
C14-02-0128.01	Franklin Park Neighborhood Plan Combining District Rezoning	Approved 10-10-02

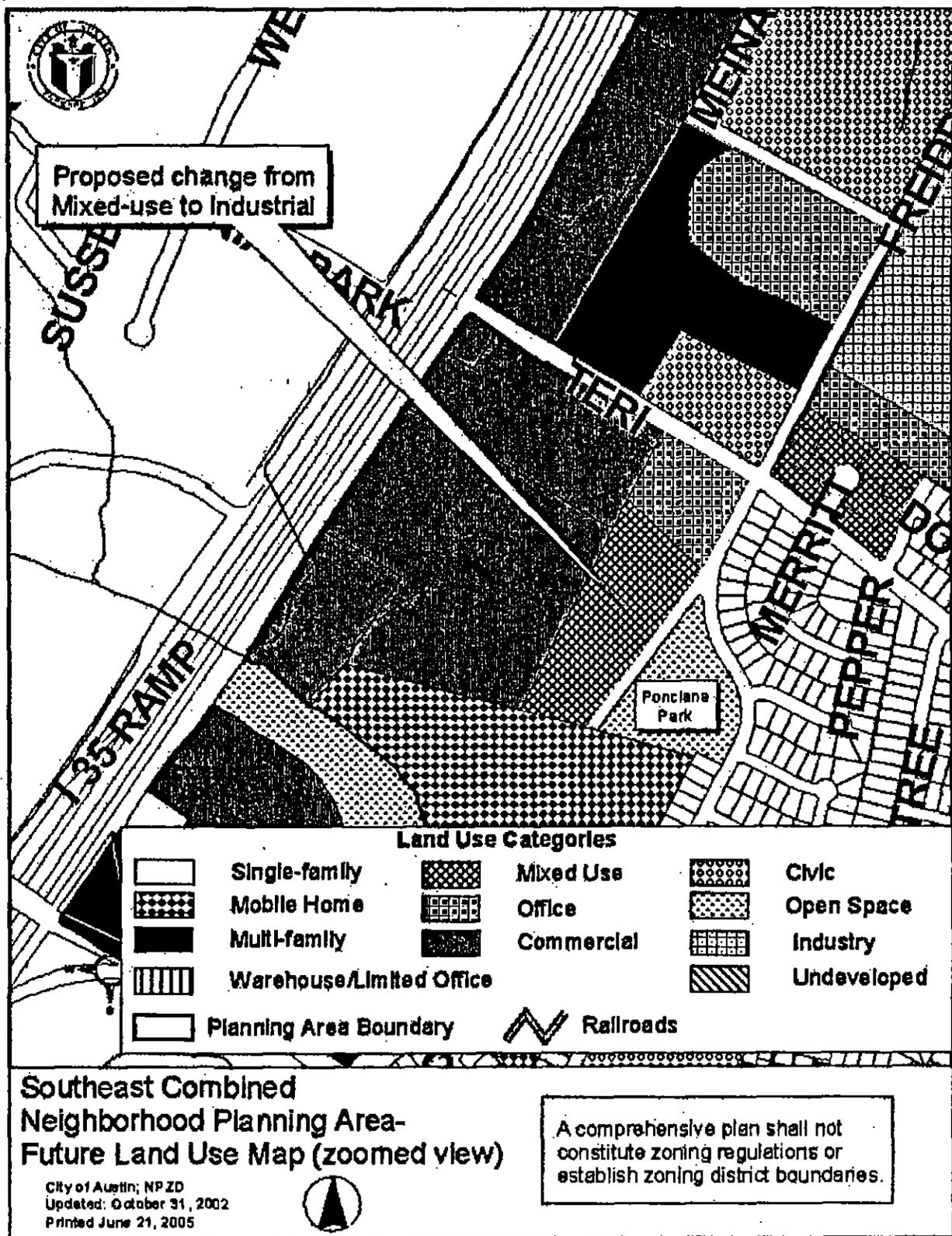
CITY COUNCIL DATE: September 29, 2005

ACTION:

CASE MANAGER: Kathleen Welder (plan amendment)
Wendy Walsh (zoning case)

PHONE: 974-2856
974-7719

EMAIL: kathleen.welder@ci.austin.tx.us
wendy.walsh@ci.austin.tx.us



Property: 5200 Freidrich Lane (Franklin Park Neighborhood Planning Area)
 Plan Amendment Request: Change Future Land Use Designation from Mixed-Use to Industrial.
 (Zoning Request: Change Zoning Designation from NO-MU-NP (Neighborhood Office- Mixed Use-Neighborhood Plan Combining District) to LI-NP (Limited Industrial-Neighborhood Plan Combining District).



Franklin Park Neighborhood Association
4803 Pewter Lane
Austin, TX 78744

May 11, 2005

Dear Mr. Bennett,

The Franklin Park Neighborhood Association is pleased to offer you and your client a letter of support for the zoning change you are requesting at the corner of Fredrich Lane and Teri Road. It is our understanding that your client wishes to place office warehouse buildings on this property. We feel that this is a good location for this and it would be an asset for the community. If you have any questions or need any other assistance please feel free to call me at 442-7837.

Sincerely,

Diane Sanders

Diane Sanders
President

4202 Afton Lane
Austin, Texas 78744
18 August 2005

**Chairman and Members of the City of Austin Planning Commission
Mayor and Members of the Austin City Council**

**RE: Request for Zoning Change and Land Use Change
Case No. C14-05-0081**

Gentlemen:

The membership of the Southeast Combined Neighborhood Area Plan Contact Team is in support of the change of zoning from NO-MU-NP to LI-NP with the conditional overlays (COs) and restrictions formally agreed to by the residents of Poinciana Park and the Applicant. The vote supporting this position is 2 in favor, 1 in abstention, and 1 in opposition.

The only reservation and objection to support for this change by all the members of the Contact Team is the current lack of appropriate ingress-egress and connectivity to this area of Southeast Austin and concerns about the additional burden that development of this tract would impose on the already overburdened local arterial traffic system.

To that end, the Contact Team unanimously requests and urges City Council and Staff to unambiguously commit, with a date certain, to the opening of the Pleasant Valley Road arterial between Button Bend and East St. Elmo Road. The completion and opening of this vital arterial link will significantly improve access in and out of this area of Austin and allow for the orderly development of property in this area to the benefit of developers and residents alike.

Sincerely,

M. L. Sloan
Member
Southeast Combined Neighborhood Area Plan Contact Team

CASE: C14-05-0081

P.C. DATE: August 23, 2005

ADDRESS: 5200 Freidrich Lane

AREA: 7.400 acres

OWNER: Rice Park, Inc. (John H. Biggar)

APPLICANT: Jim Bennett Consulting (Jim Bennett)

ZONING FROM: NO-MU-NP

TO: LI-CO-NP

ADJACENT PROPERTY: Paisano Mobile Home Park Neighborhood Association

ADDRESS: 5400 Freidrich Lane

RESIDENTS: 147 Homes/Families

OVERALL CONCERNS: We in Paisano Mobile Home Park have strived over the years to maintain a quiet, secluded, safe, crime-free neighborhood and maintain very strict rules within our boundaries to maintain this. We have worked with the city to encourage beautification of Ponclana Park on the east side of Freidrich Lane coming into Paisano (directly across the street from the property to be developed) and have continually worked to keep the area free from trash and abandoned cars.

We disagree with the Staff's recommendation to leave the zoning NO-MU-NP. We support the requested zoning change to LI-CO-NP with the Conditional Overlays set out below. We much prefer to have a light-traffic, day-use industrial neighbor that by the nature of the businesses we allow will make quiet, low-traffic use of this property, while enabling Rice Park, Inc. to build the kind of businesses that they specialize in. We as a neighborhood association do not want any possibility of more apartments, duplexes, or any type of residential use of this property which would insure more vehicular traffic and noise 24 hours a day. In addition, we don't feel that well-built and maintained industrial property would in any way be a danger to the public health, safety or welfare of the many families in Paisano Mobile Home Park or our neighbors on Ponclana Drive. Neither do we feel that this would be setting an undesirable precedent, as we have personally listened to the representatives of Franklin Park Neighborhood Association and Kensington Park Homeowners Association who are extremely pleased with the outstanding way in which they have been able to work with Limited Industry in their neighborhoods on a much larger scale than what we are recommending.

REGARDING TRAFFIC/ROAD IMPROVEMENTS: The Staff has called this 1/5-mile section of Freidrich Lane a "substandard collector street." For the last (at least) 10 years, repeated requests for improvements have gone unheeded. We feel that this part of Freidrich Lane is as important a city street as the north part and should be seriously looked at for improvement. It serves 147 families who pay city taxes and utilities and should, therefore, be given no less maintenance/importance than that stretch which goes in front of homes, business and apartments just north of Ponclana City Park.

Also to be considered, this strip of Freidrich along Ponclana City Park is virtually the only place that Ponclana City Park users can safely park to access the park, as there is no vehicular traffic allowed on the park property. The current stretch of Freidrich Lane (from where Freidrich Lane and Ponclana Drive split) is maintained at a very low level and there is barely enough space for two cars to meet. Pot holes, once filled in, wash out with the first hard rain. There is no safe place for pedestrians, bicyclists, or wheelchairs to travel. Numerous residents of Paisano walk to and from the bus stop at Freidrich and Teri daily. We feel that it is imperative to pursue funding for road improvement on this stretch of Freidrich Lane to upgrade it to curbs, gutters, and sidewalks like the north end of Freidrich Lane. Now that Rice Park, Inc. has indicated its willingness to pay for 1/2 of the improvements, this seems like an opportune time to look into finding funding for the other half. We are truly concerned about the additional traffic that will be inevitable with any development of 5200 Freidrich. But we don't feel that the property in question should be developed to match the low quality road. The addition of any additional traffic on this section only magnifies the need for road improvement. We will do what we can to assist Rice Park, Inc. in finding funds to make it safer.

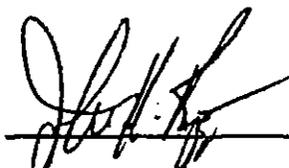
CONDITIONAL OVERLAYS: Under Limited Industrial (LI), here are the only categories we find unacceptable: There will be no Agricultural Sales and Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing of Any Type, Bail Bond Services, Basic Industry, Business or Trade School, Campground, Club or Lodge C, College and University Facilities, Commercial Off-Street Parking, Community Recreation - Private, Community Recreation - Public, Congregate Living, consumer Convenience Services, Day Care Services - commercial, Day Care Services - General, Drop-Off Recycling Collection Facilities, Employee Recreation - Non-Profit, Equipment Repair Services, Equipment Sales, Food Sales, Funeral Services, General Retail Sales - Convenience, Group Home Class I - General, Group Home Class I - Limited, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Kennels, Liquor Sales C, Local Utility Services, Off-Site Accessory Parking, Outdoor Entertainment C, Outdoor Sports and Recreation, Railroad Facilities, Recycling Center, Religious Assembly, Residential Treatment, Resource Extraction, Restaurant - General, Safety Services, Scrap and Salvage C, Service Station, Theater, Transitional Housing C, Transportation Terminal C, Vehicle Storage, or Veterinary Services. Not seen listed but not acceptable - Adult XXX, Adult Book Stores.

ADDITIONAL AGREED-ON RESTRICTIONS, TO BE INCORPORATED AS CONDITIONAL OVERLAYS TO THE EXTENT POSSIBLE

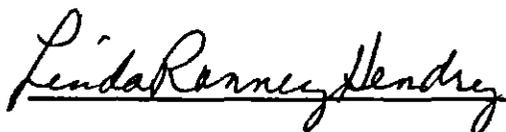
Existing undergrowth and scrub trees will be cleaned out [with the input/approval from Paisano Mobile Home Park Neighborhood Association representative(s)], poison ivy and dead trees removed, etc. from the southern boundary chain link fence and an 8' fence built parallel to the existing fence and native trees planted strategically along the southern boundary that will form a vegetative buffer to eventually take the place of the existing hackberry, mesquite and other scrub trees that are deteriorating. Water retention ponds, burms, etc. required by the City Staff may be placed along the southern end of the property to insure that no buildings will be closer than a minimum setback distance of 50' from the southern border. Rice Park, Inc. will be solely responsible for landscaping the eastern and southern borders of their property and will be required to maintain all existing and newly planned landscaping for the entire property. Buildings will be a maximum of 20' in height. Lighting shall be covered/hooded or other type of downward-pointing lighting. Buildings will be located on the property so that only the fronts or sides of the buildings are seen from the Freidrich Lane. If there is any outside storage necessary for one of the approved industries, it must be screened and fenced from view of surrounding neighborhoods and be located totally behind the building, not extend past or above the building, and be completely out of sight from the East (Freidrich Lane). Any elevated docks are to be on the west side of the buildings and therefore serviced from the west and completely out of view from the East (Freidrich Lane).

We note that the Staff is recommending that if LT zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day and we feel that would be an important conditional overlay.

Lastly, we of Paisano Mobile Home Park Neighborhood Association greatly appreciate the support from Kensington Park Homeowners Association, Franklin Park Neighborhood Association, and Peppertree Parkway Neighborhood Association. We also appreciate and support the years of work that they have invested in the Southeast Combined Neighborhood Plan completed in October 2002. We fully support their continued insistence that the Pleasant Valley dead end be funded to continue and meet up with Todd Lane to form a throughway in this extremely congested section of Austin.

 8.22.05
/Date

Owner
Rice Park, Inc. by John H. Biggar, President

 /Date

Paisano Mobile Home Park Neighborhood Association
by Linda Ranney Hendry, Representative

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 021010-11, WHICH ADOPTED THE SOUTHEAST COMBINED NEIGHBORHOOD PLAN AS AN ELEMENT OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN, TO CHANGE A LAND USE DESIGNATION ON THE FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 5200 FREIDRICH LANE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Ordinance No. 021010-11 adopted the Southeast Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan.

PART 2. Ordinance No. 021010-11 is amended to change a commercial mixed use designation to industrial use on the future land use map attached as Exhibit "A" and incorporated in this ordinance, and described in File NPA-05-0014.01 at the Neighborhood Planning and Zoning Department, for property located at 5200 Freidrich Lane.

PART 3. This ordinance takes effect on _____ 2005.

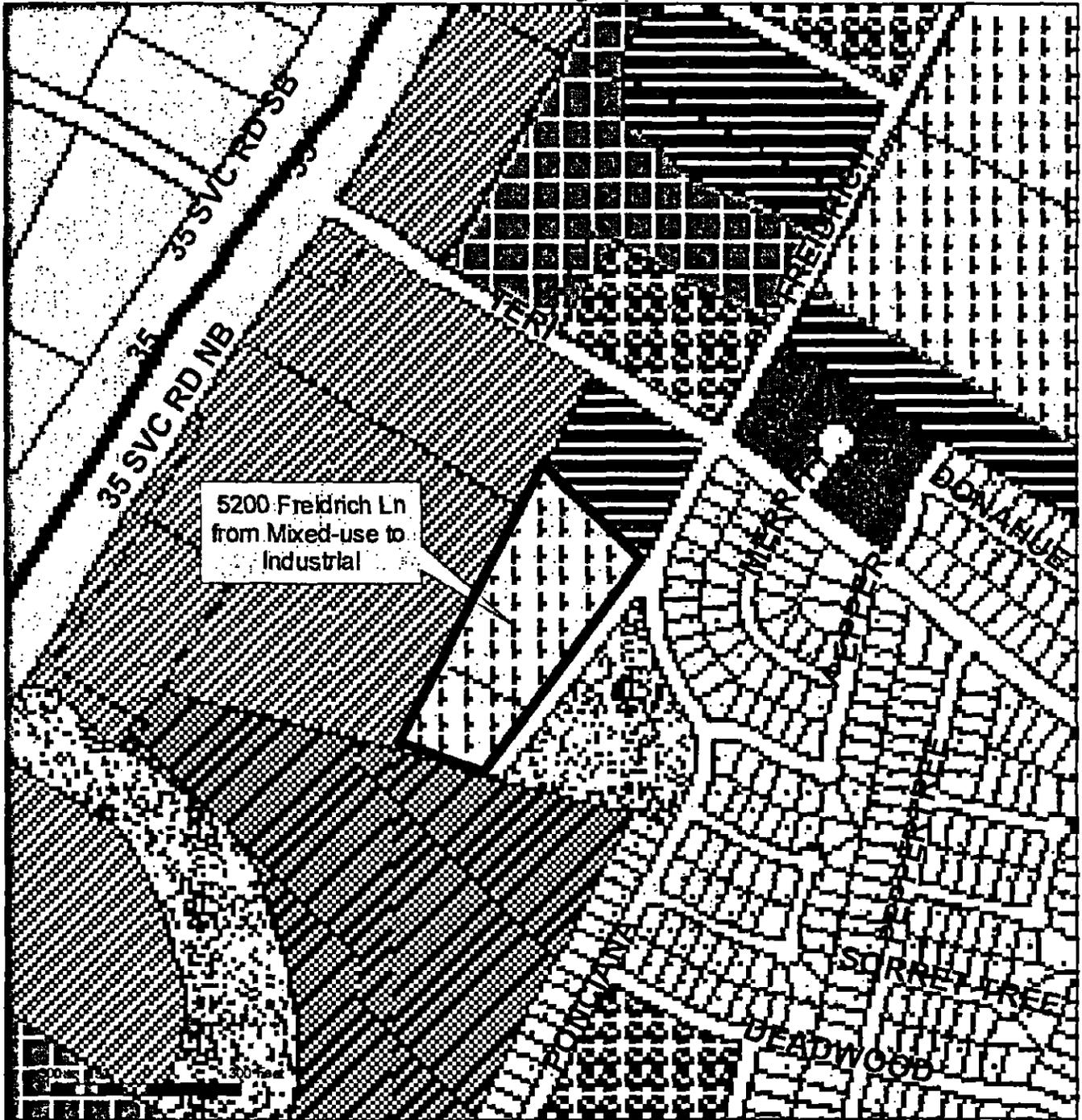
PASSED AND APPROVED

§
§
§
Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk

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5200 Freidrich Ln
from Mixed-use to
Industrial



**Southeast Combined Neighborhood Plan
Future Land Use Map
Tract: 5200 Freidrich Lane
NPA 05-0014.01**

Neighborhood Planning and Zoning Department
City of Austin
September 29, 2005
*A comprehensive plan shall not constitute zoning.

Future Land Uses

	Single-family		Office
	Mobile-home		Mixed Use/Office
	Multi-family		Industry
	Commercial		Civic
	Mixed Use		Open Space